



US Army Corps
of Engineers
Albuquerque District

Nationwide Permit Summary

OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES

Pursuant to Section 404 of the Clean Water Act (33 USC 1344) and federal regulations (33 CFR 330.5) a nationwide permit for the placement of dredged or fill material into waters of the United States for outfall structures and associated intake structures has been issued. The permit authorizes the placement of outfall structures and associated intake structures where the effluent from that outfall has been permitted under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act) (see 40 CFR Part 122) provided that the individual and cumulative adverse environmental effects of the structure itself are minimal. Intake structures per se are not included-only those directly associated with an outfall structure are covered by this nationwide permit.

The following special conditions must be followed in order for the activity to be authorized under this nationwide permit:

- "(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;
- "(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production
- "(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.
- "(4) That the activity will not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);
- "(5) That any discharge of dredged or fill material will consist of suitable material free from toxic pollutants (See Section 307 of Clean Water Act) in toxic amounts;
- "(6) That any structure or fill authorized will be properly maintained;
- "(7) That the activity will not occur in a component of the National Wild and Scenic River System; and
- "(8) That the activity will not cause an unacceptable interference with navigation.

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"(9) That the best management practices listed below should be followed to the maximum extent practicable."

Best Management Practices:

"(1) Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.

"(2) Discharges in spawning areas during spawning seasons shall be avoided.

"(3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

"(4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, shall be minimized.

"(5) Discharge in wetlands areas shall be avoided.

"(6) Heavy equipment working in wetlands shall be placed on mats.

"(7) Discharges into breeding areas for migratory waterfowl shall be avoided.

"(8) All temporary fills shall be removed in their entirety."

If the proposed discharge satisfies all of the above conditions it is automatically permitted and no further permit action from the Corps of Engineers is required. If any conditions of this nationwide permit will not be complied with, an individual permit should be requested using ENG Form 4345 (Application for a Department of the Army Permit). State or local approval of the work may also be required.

For additional information concerning the nationwide permits or for a written determination regarding a specific project, please contact the Chief, Regulatory-Resource Management Section, Albuquerque District, U.S. Army Corps of Engineers, P.O. Box 1580, Albuquerque, NM 87103, telephone (505) 766-2776.